



SO ORDERED.

SIGNED this 10 day of August, 2011.

A handwritten signature in black ink, reading "Randy D. Doub", is written over a horizontal line.

Randy D. Doub
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILSON DIVISION

IN RE:

JOAN CATHY GENTRY,

CHAPTER 13

CASE NO. 11-04089-8-RDD

DEBTOR

ADDRESS: P.O. BOX 4937
ROCKY MOUNT, NC 27803

SOCIAL SECURITY NO: XXX-XX-5997

**CONSENT ORDER DENYING OBJECTION TO CONFIRMATION OF CHAPTER 13
PLAN AND FURTHER CONSENT ORDER LIFTING THE AUTOMATIC STAY AND
CO-DEBTOR STAY**

This matter coming on for consideration before the undersigned United States Bankruptcy Court Judge with consent of the parties upon DT Acceptance Corporation d/b/a Drive Time's ("Drive Time") Objection to Confirmation of Chapter 13 Plan, filed June 1, 2011, the Court makes the following Findings of Fact and Conclusion of Law:

FINDINGS OF FACT

1. Debtor filed a Chapter 13 bankruptcy case on or about May 26, 2011.
2. On January 23, 2009, Debtor and Khristian Dennis Coles purchased under the terms of a Retail Installment Sales Contract ("Retail Contract") a 2006 Chevrolet Impala, Vehicle

Identification Number 2G1WB58K469216870 ("Motor Vehicle"). Pursuant to the terms of the Retail Contract and notation of first lien on the Certificate of Title, Drive Time is a secured creditor and first lienholder as to the Motor Vehicle.

3. Drive Time is a 910 day secured creditor pursuant to 11 U.S.C. §1325(a)(9).

4. On July 13, 2011, Debtor filed a Motion for Proposed Abandonment of Property. Debtor intends to abandon her interest in the Motor Vehicle to Drive Time with the Court lifting the automatic stay and co-debtor stay to permit Drive Time to recover the Motor Vehicle, foreclose its interest and, if applicable, submit a deficiency proof of claim. Debtor agrees to advise Drive Time of any information as to the location of Co-Debtor and the Motor Vehicle.

5. The parties have had negotiations and desire to resolve this matter by consent. The parties agree that Drive Time's Objection to Confirmation of Chapter 13 Plan shall be denied. The parties further agree that the Court shall lift the 11 U.S.C. §362 automatic stay and 11 U.S.C. 1301 co-debtor stay to permit Drive Time to recover the Motor Vehicle, foreclose its interest and, if applicable, submit a deficiency proof of claim.

CONCLUSION OF LAW

Based on the Findings of Fact and with the consent of the parties, Drive Time's Objection to Confirmation of Chapter 13 Plan is hereby denied. The Court hereby lifts the 11 U.S.C. §362 automatic stay and 11 U.S.C. 1301 co-debtor stay to permit Drive Time to recover the Motor Vehicle, foreclose its interest and, if applicable, submit a deficiency proof of claim.

**IT IS THEREFORE ORDERED BY COURT WITH THE CONSENT OF THE PARTIES
AS FOLLOWS:**

1. Drive Time's Objection to Confirmation of Chapter 13 Plan is denied.

2. The 11 U.S.C. §362 automatic stay and 11 U.S.C. 1301 co-debtor stay are hereby immediately lifted to permit Drive Time to recover the Motor Vehicle, foreclose its interest and, if applicable, submit a deficiency proof of claim. Drive Time can pursue co-debtor for any deficiency owed according to the terms of the Retail Contract and non-bankruptcy law.

3. Debtor shall immediately advise Drive Time of any information she has as to the location of the Motor Vehicle, and the name, address and telephone number(s) of co-debtor Khristian Dennis Coles or any third party in possession.

4. Notwithstanding Rule 4001(a)(3) of the Federal Rules Bankruptcy Procedure, lifting of the automatic stay and co-debtor stay is immediate and not stayed upon entry of this Consent Order.

5. If a surplus results from the sale of the Motor Vehicle over and above foreclosure costs and payment of Drive Time's lien, the surplus shall be paid inside the Bankruptcy Estate.

6. This Chapter 13 Plan shall be confirmed, subject to any timely filed Objection to Confirmation of Chapter 13 Plan or Motion to Dismiss.

WE CONSENT TO THIS ORDER:

CHRISTOPHER LEWIS WHITE, P.A.

/s/Christopher Lewis White

Attorney for Drive Time

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/s/ H. Frank Allen

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NO OBJECTION:

/s/ Robert R. Browning

Chapter 13 Trustee

P.O. Box 8248

Greenville, NC 27835

Telephone: (252) 758-6530

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